

**AMENDMENTS TO THE CLAIMS:**

1-5. (cancelled)

6. (previously presented) A heat exchanger construction comprising:

a header plate including an interior side, an exterior side, and a plurality of tube openings spaced along a first axis and extending between the interior and exterior sides;

a plurality of elongated flat tubes, each tube having a pair of opposed long sides and a pair of opposed short sides, each of the tubes having an end received in one of the tube openings extending past the interior side, each end including a pair of long edges defined by the long sides, each tube having a cut in each of its short sides extending from the end to adjacent the interior side of the header plate, each tube having a bend formed in each of the long sides of the tube adjacent the cut so that the long edges of the tube are adjacent the long edges of the tubes on either side of the tube wherein the long edges of each tube are overlapped with the long edges of the tubes on either side of the tube.

7. (previously presented) A heat exchanger construction comprising:

a header plate including an interior side, an exterior side, and a plurality of tube openings spaced along a first axis and extending between the interior and exterior sides;

a plurality of elongated flat tubes, each tube having a pair of opposed long sides and a pair of opposed short sides, each of the tubes having an end received in one of the tube openings extending past the interior side, each end including a pair of long edges defined by the long sides, each tube having a cut in each of its short sides extending from the end to adjacent the interior side of the header plate, each tube having a bend formed in each of the long sides of the tube adjacent the cut so that the long edges of the tube are adjacent the long edges of the tubes on either side of the tube; and

a tank surrounding the interior side and the tube ends and including an inlet opening for a working fluid, and wherein for each adjacent pair of long edges the long edge of the tube closer to the inlet opening overlays the long edge of the next tube further from the inlet opening.

8-10. (cancelled)

11. (cancelled)

12. (currently amended) The heat exchanger construction of ~~claim 1~~  
claim 6 wherein each of the bends is a substantially 90° bend.

13. (currently amended) The heat exchanger construction of ~~claim 1~~  
claim 6 wherein each of the tube openings includes a peripheral flange on the  
interior side of the header plate.

14. (currently amended) The heat exchanger construction of ~~claim 1~~  
claim 6 wherein each of the long sides between the long edges and the bends of  
the tubes are substantially parallel to said first axis.

15. (cancelled)